



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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Vol. 23

January 10, 2006

No. 01

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# BILLS INTRODUCED IN THE HOUSE

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

### **H.4296 *DIAMOND-BACKED TERRAPIN* Rep. Altman**

This bill deletes the authority of the Department of Natural Resources to grant permits to harvest and market diamond-backed terrapin. The bill further provides that it is unlawful to take or possess diamond-backed terrapin for a commercial purpose. The bill increases the fine for a violation from \$25 dollars to \$100 dollars as well as provides that each terrapin taken constitutes a separate offense.

## EDUCATION AND PUBLIC WORKS

### **H.4300 *REQUIREMENTS REGARDING DRIVER'S LICENSES/SPECIAL IDENTIFICATION CARDS* Rep. Clemmons**

This bill requires that driver's licenses and special identification cards must have imprinted on their reverse sides, certain contact information for the National Domestic Violence Hotline and the National Sexual Assault Hotline.

### **H.4320 *ENROLLMENT REQUIREMENTS FOR USC-COLUMBIA* Rep. McGee**

This bill requires that beginning with the fall 2006 semester, the University of South Carolina-Columbia must admit as entering, full-time freshmen a minimum of four thousand students, at least eighty-percent of whom must qualify for in-state tuition.

### **H.4324 *HUNTING ISLAND STATE PARK SPECIAL LICENSE PLATES* Rep. Ceips**

This bill authorizes and provides for the issuance of Hunting Island State Park special license plates.

### **H.4327 *SCHOOL DISTRICT BOUNDARIES* Rep. Bales**

This bill requires and provides for the Education Oversight Committee to review the organization of South Carolina's school districts and to recommend changes in district boundaries to ensure that districts have the capacity to support high achievement for all district students and the capacity to achieve maximum impact from district resources.

### **H.4328 *STUDENT ASSESSMENT* Rep. Walker**

This bill includes the recommendations of the Ad Hoc Committee to Review State Assessment, which met during the legislative interim. The bill is sponsored by the members of that Ad Hoc Committee and includes the following items:

- Requires the Budget and Control Board to request proposals for the purpose of conducting a study on the feasibility and cost of converting the state assessment program to a computer-based or computer-adaptive format with the report issued no later than December 15, 2006. The bill lists specifications of the study.

- Changes the definition of 'objective and reliable statewide assessment' to allow for a portion of which to contain only multiple choice questions designed to reflect a range of cognitive abilities beyond the knowledge level.
- Includes a definition of 'formative assessment.'
- Further defines that the state assessment program be designed to promote student learning and provide professional development to educators.
- Clarifies that the exit examination is to be given first in a student's second year of high school enrollment.
- Specifies that the science and social studies portion of the exit exam shall be met by passage of a high school credit course in science and a course in United States history in which end-of-course examinations are administered beginning in 2010.
- Requires the State Board of Education to create a list of approved formative assessments aligned with the state content standards and provides that with funds appropriated by the General Assembly local districts shall purchase and begin to administer formative assessments in 2006-07.
- Requires the adoption of a developmentally appropriate formative reading assessment for use in the first and second grades.
- Requires on-going professional development in the creation and use of classroom assessments, the use of formative assessments and the use of the end-of-year state assessments.
- Requires field test items to be embedded with the annual assessments.
- Allows for the development of a sampling plan to administer science and social studies assessments for elementary and middle school students so that students would not be required to take both tests except in census grade testing as required by NCLB.
- Calls for the establishment of a task force to recommend alternative evidence and procedures that may be used to allow students with documented disabilities to meet graduation requirements even if they have failed the exit examination.
- Requires the annual convening of curriculum experts to analyze the results of the assessments, including item by item performance and a plan for disseminating additional information about the assessment results to districts.

**H.4329 SPECIAL LICENSE PLATES Rep. Leach**

This bill authorizes and provides for the Department of Motor Vehicles to issue special license plates to recipients of the Bronze Star, Silver Star, and Distinguished Cross.

**H.4332 AVERAGE DAILY ATTENDANCE REQUIREMENTS Rep. E.H. Pitts**

This bill requires that each school district may not have fewer than eight thousand students in the district's one hundred thirty-five-day average daily attendance, and requires districts with fewer than eight thousand students to consolidate with another district. The bill provides an exception to this requirement for a district that is the only school district in the county or a statewide school district.

**H.4334 SCHOOL ATTENDANCE FOR STUDENTS WHO LIVE ON MILITARY BASES Rep. G.M. Smith**

This bill provides that a student whose parent or guardian is required to live on a military base may choose which school the student will attend within the county in which the base is located. The bill also requires that each school district in the county in which the base is located must provide transportation to and from the schools in its district to students living on the base.

**H.4344 UTILITY TRAILERS Rep. Miller**

This bill allows the licensing and registration of an untitled utility trailer upon submission of proof of ownership, and provides that such licensing and registration is not evidence of ownership of the trailer except for the purpose of licensing and registration. The bill also provides that revenue from the registration fee for these trailers must be credited to the state highway fund and used for highway maintenance.

**H.4346 STUDENTS AND PSYCHOTROPIC MEDICATION Rep. Scarborough**

This bill prohibits a school from denying a student access to programs or services because the parent of the student refuses to place the student on psychotropic medication. The bill further provides that any medical decision made to address a student's needs is a matter between the student, the student's parent, and a competent health care professional chosen by the parent.

**H.4350 DRIVER'S LICENSES FOR PERSONS WHO WEAR BIOPTIC TELESCOPIC LENSES Rep. G.R. Smith**

This bill provides that under certain specified conditions, a person diagnosed with low vision acuity who uses bioptic telescopic lenses for vision assistance may be issued a driver's license by the Department of Motor Vehicles.

## JUDICIARY

**H.4289 SLANDER AND LIBEL Rep. McGee**

This bill changes the legal standard for proving slander and libel. This bill deletes the current malicious intent standard and replaces it with an actual malice standard.

**H.4290 BENCH WARRANTS AND BOND FORFEITURE Rep. Allen**

If a defendant fails to appear at a court proceeding to which he has been summoned, the court issues a bench warrant for the arrest of the defendant. This bill increases from 30 to 120 the number of days within which a defendant's bond must be forfeited.

**H.4291 PENALTY FOR OFFENSE OF ATTEMPT TO BURN Rep. Clemmons**

Currently, the offense of attempt to burn is a felony punishable by five years imprisonment or a \$10,000 fine. This bill makes the penalty for an attempt to burn the same as for the principal offense.

**H.4292 EMINENT DOMAIN Rep. Vaughn**

Eminent domain is the power of a governmental entity to take private real estate for public use, with or without the permission of the owner. This bill gives the former owner of real property condemned pursuant to the Eminent Domain Procedure Act the right to reacquire the subject property if: (1) it is not used for the stated public purpose or public use within 10 years of the condemnation, or (2) the condemnor desires to convey it to another party.

**H.4293 FINANCIAL TRANSACTION CARD FORGERY AND FRAUD**

**Rep. Kirsh**

This bill relates to financial transaction card forgery and fraud. Under the bill, it is unlawful to make an unauthorized material alteration to written or mechanically or electronically produced evidence of the financial transaction.

**H.4295 EMINENT DOMAIN Rep. Barfield**

Eminent domain is the power of a governmental entity to take private real estate for public use, with or without the permission of the owner. With regards to eminent domain, the bill defines the terms 'public purpose' or 'public use' to mean a purpose or use that results in a significant and direct benefit to the public. The term 'public purpose' does not mean a secondary benefit to the public that is merely incidental, indirect, or pretextual when the primary benefit inures to a private person or entity.

**H.4297 "IDENTITY THEFT PROTECTION ACT" AND "FAMILY PRIVACY PROTECTION ACT" Rep. Kirsh**

The "Identity Theft Protection Act" outlines protections in connection with consumer credit-reporting agencies and with the use and communication of a consumer's social security number. The bill allows a consumer to place a security freeze on his credit report. The bill also provides for civil penalties against a consumer credit-reporting agency that willfully violates these provisions.

The "Family Privacy Protection Act" requires the protection of personal identifying information in connection with a public body and its use and communication of a resident's social security number. The bill also requires state agencies to disclose a breach of security when it is believed that an unauthorized person has acquired a person's personal identifying information.

**H.4298 HOME DETENTION PROGRAMS Rep. Cooper**

Under this bill, all home detention programs must employ active electronic monitoring devices. The bill requires an offender placed in a home detention program to be assessed, and the offender is responsible for paying his monitoring device costs. Tampering with an active electronic monitoring device is a felony punishable by a fine of \$5,000 dollars or imprisonment for not more than five years.

**H.4299 GOOD TIME CREDITS FOR INMATES Rep. Clemmons**

This bill provides that the filing of a frivolous application for post-conviction relief may result in an inmate's loss of good time credits earned, in addition to other sanctions the court may impose.

**H.4301 "PROTECTION OF PERSONS AND PROPERTY ACT"  
Rep. G.M. Smith**

Under certain circumstances, this bill authorizes the lawful use of deadly force against an intruder or attacker in a person's dwelling, residence, or occupied vehicle. The bill provides that there is no duty to retreat if the person is in a place where he has a right to be, including the person's place of business, and the use of deadly force is necessary to prevent death, great bodily injury, or the commission of a violent crime. A person who lawfully uses deadly force is immune from criminal prosecution and civil action and may not be arrested unless probable cause exists that the deadly force used was unlawful.

**H.4302 INCREASED PENALTY FOR FIRST DEGREE CRIMINAL SEXUAL CONDUCT WITH A MINOR** Rep. E.H. Pitts

The bill increases the mandatory minimum penalty for criminal sexual conduct with a minor in the first degree to 25 years, no part of which may be suspended or probation granted.

**H.4303 INCREASED PENALTY FOR DISCHARGING FIREARMS AT OR INTO DWELLINGS, STRUCTURES, ENCLOSURES, AND VEHICLES OR EQUIPMENT** Rep. Kirsh

This bill increases from 10 years to 15 years the maximum penalty for discharging firearms at or into dwellings, structures, enclosures, and vehicles or equipment.

**H.4305 PROOFS OF IDENTITY REQUIRED OF A PERSON WHEN HE PRESENTS HIMSELF TO VOTE** Rep. Altman

This bill relates to those proofs of identity required of a person when he presents himself to vote; the bill requires the production of this identification if requested by a poll manager or other election official.

**H.4309 "SEX OFFENDER ELECTRONIC MONITORING ACT OF 2006"**  
Rep. White

Major provisions of this legislation include:

- The bill provides additional factors for the court to consider when considering release of a person on bond who is charged with certain offenses that, if convicted, would require the person to register on the sex offender registry.
- With regards to punishment for murder and whether the death penalty should be imposed, this bill adds to the list of aggravating circumstances that a person deemed a sexually violent predator committed the murder.
- With regards to criminal sexual conduct in the first degree, the bill provides for a mandatory minimum sentence of 25 years, no part of which may be suspended or probation granted.
- Currently, a person may be charged with criminal sexual conduct in the first degree if the victim is less than 11 years of age; the bill increases the age of the victim from not less than 11 to not less than 13 for criminal sexual conduct in the first degree. Currently, a person may be charged with criminal sexual conduct in the second degree if the victim is 14 years of age or less but who is at least 11 years of age. Under the bill, the age of the victim for criminal sexual conduct in the second degree is changed to require that the victim be 14 years of age or less or at least 13 years of age.
- The bill creates the offense of kidnapping a person who is less than 18 years of age. The bill provides for a mandatory minimum sentence of 25 years, no part of which may be suspended or probation granted.
- Currently, sex offenders register annually. This bill provides for registration every six months.

- The State Law Enforcement Division develops and maintains a protocol manual to be used by contributing agencies in the administration of the sex offender registry. This bill outlines factors that must be included in the protocol manual.
- The bill requires active electronic monitoring for all sex offenders.
- With regards to the offense of willfully protecting, harboring, or concealing a person who is required to be on the sex offender registry, this bill expands the definition of the offense to include providing false information to a law enforcement agency.

**H.4310 “SOUTH CAROLINA PROTECTION OF PRIVATE PROPERTY ACT”  
Rep. F.N. Smith**

Eminent domain is the power of a governmental entity to take private real estate for public use, with or without the permission of the owner. This bill provides that a condemnor may not commence an action for the acquisition of an interest in real property unless the property is to be condemned for public use. The term 'public use' is defined as a fixed, definite, and enforceable right of use by the public. The term requires possession, occupation, and enjoyment of the condemned property by the public at large or by public agencies. The term 'public use' does not permit a condemnor to transfer or lease condemned property to a private person or entity, except as may be permitted by the State Constitution or by express delegation of the power of eminent domain to a corporation by statute.

**H.4311 GENERAL ASSEMBLY COMMITTEE REPORTS Rep. Kirsh**

Before reporting a bill or joint resolution out of committee, this legislation requires the committee to attach a general explanation of its contents including the effect of the committee amendments, if any. The chairman of the committee shall sign the explanation, and this explanation shall be printed with the committee report on the bill or joint resolution when it is printed for second reading consideration.

**H.4318 ORDERS OF PROTECTION FROM DOMESTIC ABUSE Rep. Lucas**

Relating to orders of protection from domestic abuse and the authority of the court in connection with issuing such orders, this bill authorizes the court to award the cost of medical treatment received by the petitioner as a result of the abuse that gave rise to the order of protection.

**H.4319 FLAGS FLOWN AT HALF-STAFF ON THE STATE CAPITOL  
BUILDING Rep. Harrell**

This bill provides that the Governor may order flags flown at half-staff when an act of Congress or a presidential order is issued ordering flags on federal buildings be flown at half-staff.

**H.4322 FAILURE TO STOP A MOTOR VEHICLE WHEN SIGNALLED TO STOP  
BY A LAW ENFORCEMENT OFFICER Rep. M.A. Pitts**

This bill revises the conduct that constitutes the offense of failure to stop a motor vehicle when signaled to stop by law enforcement officer. The bill also revises the penalties for a violation of this offense. The bill allows a person who commits this offense to have his criminal record expunged under certain circumstances, and the bill provides for the issuance of a special restricted driver's license. The bill further provides that a person

who is found guilty of failure to stop a motor vehicle when signaled to stop by a law enforcement vehicle is not guilty also of the offense of child endangerment.

**H.4323 LOCATIONS IN WHICH A SEX OFFENDER MAY RESIDE Rep. Brady**

Under this bill, it is unlawful for a sex offender who has been convicted of an offense against a minor to reside within 1,000 feet of a school, daycare center, children's recreational facility, park, playground, or bus stop. The bill also outlines penalties for violations.

**H.4330 MOTOR VEHICLE OFFENSES Rep. Talley**

This bill revises various motor vehicle offenses:

- The bill increases the fine for a first offense of driving a motor vehicle without a driver's license.
- The bill increases the fine for first and second offenses for driving a motor vehicle with a cancelled, suspended or revoked driver's license.
- The bill revises the point system established for the evaluation of the operating record of a licensed driver.
- The bill increases penalties for the offense of failure to stop a motor vehicle when signaled by a law enforcement vehicle.
- The bill increases penalties for speeding offenses.
- The bill revises and increases penalties for speeding in highway work zones.
- The bill increases penalties for reckless driving.

**H.4331 ELECTIONS Rep. Scarborough**

This bill prohibits a person from accepting more than one nomination for the same office.

**H.4337 ISSUANCE OF A CORPORATE CERTIFICATE TO A PROPOSED MUNICIPALITY Rep. Scarborough**

The bill deletes the requirement that the State Law Enforcement Division promulgate regulations to establish minimum law enforcement services for a proposed municipality.

**H.4339 ELECTIONS STUDY COMMISSION Rep. Mack**

This bill creates an Elections Study Commission composed of 46 members, one from each county. Commission members must be registered voters who have evidenced a commitment to voting rights. Among other things, commission members act as Voting Rights Ombudsmen for their respective counties. The bill requires the commission to make a report containing recommendations to improve participation in the electoral process.

**H.4342 SEX OFFENDERS Rep. Davenport**

This bill requires a person convicted of crime in which he used a controlled substance on the victim during the commission of the crime to register as a sex offender. The bill also increases penalties associated with failing to register as a sex offender.



**H.4343 CONDUCT OF ELECTIONS Rep. Mack**

The bill provides that the State Election Commission shall provide county election commissions with electronic short state ballots that allow an elector only to cast a vote for a federal and state constitutional office at a precinct in the State. Upon presentation of a valid voter registration card and appropriate photo identification, the elector may cast a regular short state ballot. If the elector cannot provide a valid voter registration card and the poll manager cannot verify that the elector is registered, the ballot must be provisional.

The bill further provides that State Election Commission shall provide county election commissions with electronic short county ballots that allow an elector only to cast a vote for a federal, state constitutional, and countywide office. Upon presentation of a valid voter registration card and appropriate photo identification, the elector may cast a regular short county ballot. If the elector cannot provide a valid voter registration card and the poll manager cannot verify the elector is registered in that county, the ballot must be provisional.

**H.4347 BREASTFEEDING Rep. Limehouse**

The bill provides that a woman may breastfeed her child in any location where the mother is authorized to be and that such breastfeeding is not indecent exposure.

**H.4348 ORGAN AND TISSUE DONATION Rep. Walker**

The bill makes revisions pertaining to organ and tissue donation, including:

- This bill requires an emblem to be embedded on a driver's license to designate the person as an organ or tissue donor.
- The bill deletes provisions in the law specifically addressing eye donation, which is included in provisions relating to tissue donation and procurement.
- The legislation further specifies the classes having authority to consent to organ and tissue donation for a decedent.
- The legislation conforms references to current federal law regarding organ procurement agencies.
- When death is imminent or has already occurred, this bill requires notification of the Organ Procurement Organization to be made in accordance with existing federal and state law.

**H.4349 VOTER REGISTRATION Rep. Mack**

This bill changes the deadline for voter registration from 30 days before the election to the Saturday before the election.

**H.4352 VOTING Rep. Mack**

This legislation requires the authority charged by law with conducting an election to provide a procedure by which a qualified elector may register and cast a ballot on the same day. The legislation further provides for early voting by providing that a qualified elector may cast a ballot during the seven-day period preceding the election.

**H.4356 POLL MANAGERS AND ASSISTANTS Rep. Mack**

This bill allows a sixteen-year-old to be in charge of a polling place while under the supervision of an adult poll manager. The bill deletes the requirement that one sixteen or seventeen-year-old person may be appointed to a precinct for every two regular poll managers.

**H.4357 FALSIFYING OR ALTERING A TRANSCRIPT OR DIPLOMA  
Rep. Townsend**

This legislation provides that it is unlawful to knowingly issue, manufacture, or use a false postsecondary degree, certificate, diploma, transcript, or other academic credential for general academic or professional purposes. The bill authorizes the South Carolina Commission on Higher Education to charge a reasonable fee to conduct a review to determine if certain credentials reported by an applicant are valid.

**H.4358 DISCLOSURE OF CUSTOMER INFORMATION BY A UTILITY  
Rep. Bingham**

This bill prohibits a public utility from disclosing customer information to any party including any affiliate, marketing service, or third party unless the utility obtains consent from the customer.

**H.4360 LIABILITY OF PROPERTY OWNERS Rep. Scarborough**

This bill provides that the owner of real property is not liable in a civil action for acts or omissions causing injury to a person who trespasses on his property to commit a crime or when reasonable force is used to remove a person who is trespassing on his property.

**H.4362 NOTIFICATION OF REGISTERED VOTERS ABOUT THE GENERAL ELECTION Rep. Mack**

At least 21 days before the general election, this bill requires the State Election Commission to notify by mail a registered elector who did not vote in the previous general election when and where the next election will be conducted. A list of candidates for whom the elector will be voting must be included in the notification.

**H.4364 "SEX OFFENDER ACCOUNTABILITY AND SEX OFFENSE REFORM ACT OF 2006" Rep. G.M. Smith**

This is a skeleton bill enacting the "Sex Offender Accountability and Sex Offense Reform Act of 2006."

**H.4365 VOTING PRECINCTS IN BAMBERG COUNTY Rep. Rhoad**

Among other things, this bill provides that the Bamberg County Registration and Election Commission must determine the polling places for the precincts with the approval of a majority of the Bamberg County legislative delegation.

**H.4367 EDUCATION EFFORTS PERTAINING TO VOTING Rep. Mack**

This bill requires that a high school student in the tenth grade be furnished a voter registration form and be instructed in a classroom environment or through a method approved by the local school district to be apprised of the importance of voting. The bill also requires a high school registrant be mailed a voter registration card before the first election in which he is eligible to vote.

The bill further provides that a citizen otherwise ineligible to vote who is released from incarceration receive a registration form in the mail with a letter explaining that his voting rights have been restored and that he is eligible to register and vote.

## **LABOR, COMMERCE AND INDUSTRY**

### **H.4316 PRICE GOUGING DURING OUT-OF-STATE EMERGENCIES**

**Rep. Harrell**

This bill expands South Carolina's prohibitions on price gouging during natural disasters and other emergencies. The legislation would revise laws that prohibit charging unconscionably high prices for accommodations and essential commodities, such as food, water, and fuel, so that these measures would apply when emergencies are declared outside of South Carolina that, nevertheless, cause market disruptions in this state. Existing price gouging laws apply when a state of emergency is declared for areas within South Carolina.

### **H.4317 "SOUTH CAROLINA ENERGY EFFICIENCY ACT" Rep. Brady**

This bill enacts the South Carolina Energy Efficiency Act to require that "green building" or comparable standards be applied to energy efficiency or conservation standards or measures used in the design and construction of state-funded building projects of more than ten million dollars. These requirements do not apply to state-funded design and construction of parking garages or outdoor sports facilities or to projects in design or being constructed on the effective date of this legislation.

### **H.4321 CREDIT HISTORY IN HOMEOWNERS' INSURANCE Rep. F. N. Smith**

This bill provides that, with respect to homeowners' insurance, an insurer may not: (1) refuse to underwrite, cancel, or refuse to renew a risk based on the credit history of an applicant or insured; (2) rate a risk based on the credit history of an applicant or insured in any manner including, but not limited to: (a) the provision or removal of a discount; (b) assigning the insured or applicant to a rating tier; or (c) placing an insured or applicant with an affiliated company; or (3) require a particular payment plan based on the credit history of the insured or applicant. A violation of these provisions is designated an unfair trade practice.

### **H.4333 TEMPORARY AMUSEMENT DEVICE INSPECTIONS**

**Rep. Scarborough**

This bill revises provisions for the inspection of a temporary amusement device, so as to require the device to be inspected at each new location in the state. The legislation also requires the costs of inspection to be paid by the amusement device owner.

### **H.4340 COSMETOLOGIST CONTINUING EDUCATION CREDIT FOR TRADE SHOWS Rep. Davenport**

This bill revises continuing education requirements for licensed cosmetologists, so as to provide that a cosmetologist may receive up to three hours of continuing education credit for verified attendance at a cosmetology-related trade show.

### **H.4351 HEALTH INSURANCE COVERAGE REQUIRED FOR TREATMENT OF PERVASIVE DEVELOPMENTAL DISORDERS Rep. Ballentine**

This bill requires health insurance coverage for treatment of pervasive developmental disorders, including autism and Asperger's syndrome.

**H.4361 REAL ESTATE APPRAISAL SERVICES Rep. Huggins**

This bill defines "reasonable charges" for real estate appraisal services. The legislation provides for a cause of action against a person who willfully fails to pay for the services of a real estate appraiser, and provides for liquidated damages.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.4313 "VIETNAM VETERANS SURVIVORS' DAY" Rep. J. Brown**

This bill designates the first Friday in May of each year as "Vietnam Veterans Survivors' Day" in South Carolina.

**H.4345 CONTRACT REQUIREMENTS FOR PHYSICAL FITNESS SERVICES  
Rep. Huggins**

Current law provides that a contract is not required for personal training, private consultations, and fitness testing rendered on an hourly basis unless they are part of a package of over \$300 dollars. This bill provides that this \$300 dollar limitation may be adjusted for inflation.

## **WAYS AND MEANS**

**H.4294 OWNERSHIP OF BAMBERG ARMORY Rep. Rhoad**

This joint resolution authorizes the State Budget and Control Board to transfer to the City of Bamberg ownership of a surplus National Guard Armory located in Bamberg.

**H.4304 SERVICE FEES CHARGED BY MUNICIPALITIES Rep. Barfield**

This bill prohibits a municipality from charging a service fee or assessment for services provided before the service is rendered.

**H.4306 RETIREMENT INCOME DEDUCTION Rep. Altman**

This bill amends provisions regarding the retirement income deduction from taxable individual income so as to allow resident individual taxpayers age sixty-five and over a deduction from South Carolina taxable income equal to 100% of South Carolina taxable income. The bill also allows this exemption for married persons filing a joint federal income tax return even if one spouse has not attained the age of sixty-five years. The bill also allows this exemption for the surviving spouse of a taxpayer who was eligible for the exemption at the time of death, or who if surviving would be eligible, so long as the surviving taxpayer has not remarried.

**H.4307 DEFINITIONS FOR PURPOSES OF PROPERTY TAXES Rep. Stewart**

This bill incorporates by reference for property tax purposes the definition of "private passenger motor vehicle" used in the Motor Vehicle Registration and Licensing Law. The bill increases the weight limit for pickup trucks for purposes of this definition, and also provides that the definition is deemed to include motorcycles.

**H.4308 JOINT LEGISLATIVE COMMITTEE ON PRIVATE CHILDCARE**

***FACILITIES AND LICENSING Rep. Davenport***

This bill establishes and provides for the Joint Legislative Committee on Private Childcare Facilities and Licensing (the Committee), to be comprised of appointed owners/operators of private childcare facilities, and members of the House and Senate. The stated intent of the bill is to create a business-friendly environment for private childcare facilities without unnecessary "red tape", while at the same time providing for affordable quality childcare. The bill includes a provision that prohibits a state agency from implementing a new or amended regulation that affects the licensure or operation of a private childcare facility without the prior approval of the Committee.

***H.4312 TAX CREDIT FOR HYBRID MOTOR VEHICLE Rep. Merrill***

This bill allows a state income tax credit equal to 20% of the new qualified hybrid motor vehicle credit allowed against a state taxpayer's Federal income tax liability.

***H.4314 TUITION RATES Rep. Davenport***

This bill provides that beginning with tuition and fees for the 2007 fall semester, tuition and fees for in-state undergraduates at state-supported higher education institutions may not be increased more than the percentage increase in the previous year's Higher Education Price Index. The bill includes exceptions to this provision, and the bill also requires the Commission on Higher Education to provide on its homepage certain information relative to this requirement.

***H.4315 S.M.A.R.T. START SCHOLARSHIP PROGRAM Rep. Rice***

This bill establishes and provides for the SMART Start Scholarship Program of 2006, to allow children from certain family income groups to attend a public or nonpublic four-year-old preschool program or a five-year-old kindergarten program of their choice. The bill also establishes and provides for a special needs scholarship program, to provide to elementary or secondary students with an individual education plan the option to attend a public or nonpublic school of their choice.

***H.4325 USE OF STATE FUNDS Rep. Kirsh***

This bill provides that except for aid to subdivisions and salary supplements for local officials, any state funds appropriated by the General Assembly in an annual or supplemental appropriations act or in a bond bill must be expended on state-owned projects or for state purposes.

***H.4326 SALES TAX EXEMPTION FOR PERSONS AGE 85 AND OLDER Rep. Hinson***

This bill provides an exemption from sales tax for tangible personal property sold to individuals eighty-five years of age or older for their personal use, if at the time of sale, the individual requests the exclusion and provides proof of age. The bill also deletes current provisions which provide for a partial exemption.

***H.4335 NONPUBLIC POST-SECONDARY INSTITUTIONS Rep. Townsend***

This bill amends the South Carolina Nonpublic Post-Secondary Institution License Act. As defined in current statute, a Nonpublic Educational Institution includes, but is not limited to, any educational entity operating or soliciting in South Carolina not owned or operated in whole or in part by the State of South Carolina offering resident or correspondence courses beyond the secondary school level to students upon the payment of tuition or fees. This bill amends definitions in the Act, and amends sections relating to bonds or collateral for the protection of student tuition and fees.

**H.4336 *INSTALLMENT PAYMENT OF PROPERTY TAXES* Rep. Harrell**

This bill deletes current provisions relating to a county's authority to allow quarterly or monthly installment payment of real property taxes. The bill requires payment of estimated real property taxes in installments of twenty-five percent each, due on April 15, June 15, and September 15 of each year, and provides for interest on underpayments and overpayments of estimated property tax.

**H.4338 *IMPOSITION OF TOLL ALONG PROPOSED INTERSTATE 73* Rep. Clemmons**

This bill requires that a toll be imposed and collected by the Department of Transportation at a specified location along the proposed Interstate 73 corridor upon completion of this highway project. The bill further provides that the toll must be used to pay expenses associated with this project, and for the removal of the tolls upon payment of all such costs.

**H.4341 *AMENDMENTS TO LOTTERY PROVISIONS* Rep. Kirsh**

This bill amends certain provisions of the South Carolina Education Lottery Act, including but not limited to: deleting the limitation of spending for advertising; deleting the provision which prohibits the Lottery Commission from contracting with a lottery vendor of the fee or commission payable in connection with the service or product is contingent upon performance of lottery profitability measures; and deleting the current provision which prohibits the sale of lottery tickets on the date of any general or primary election.

**H.4353 *TUITION EXEMPTION FOR NATIONAL GUARD* Rep. E.H. Pitts**

This bill provides for a full tuition exemption for members of the South Carolina National Guard who meet criteria specified in the bill, including but not limited to a requirement that they maintain a 2.0 grade point average each semester. Currently, members of the South Carolina National Guard are exempt from one-half of the tuition charges for up to twelve credit hours.

**H.4354 *PROPERTY TAX EXEMPTION FOR SPOUSE OF DECEASED DISABLED VETERAN* Rep. Ballentine**

With regard to payment of property taxes, this bill provides that in the case of the surviving spouse of a veteran who was permanently and totally disabled as a result of a service-connected disability and received an exemption for his house because of that disability, the house remains exempt from property taxes for as long as the surviving spouse occupies the house rent-free and remains unmarried, regardless of the ownership of the house.

**H.4355 *AGENCY HEAD SALARY COMMISSION* Rep. Vaughn**

This bill includes technical college presidents as officials to whom provisions regarding the Agency Head Salary Commission apply.

**H.4359 *"SOUTH CAROLINA FAMILY HOME AND BUSINESS PROTECTION ACT"* Rep. Townsend**

This bill enacts the "South Carolina Family Home and Business Protection Act," which imposes and provides for an additional sales, use and casual excise tax of three percent of amounts subject to these taxes, and provides that the state sales and use tax on the sale of unprepared food which may be purchased with U.S. Department of Agriculture

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Food Coupons is two percent. The bill credits twenty percent of the revenue of the sales and use tax to the Education Improvement Act Fund.

The bill exempts all fair market value of owner-occupied residential property not already exempted from property tax from all remaining property tax, and exempts twenty percent of the fair market value of commercial real property from property tax.

The bill establishes the Family Home and Business Protection Fund as a separate fund in the State Treasury to receive the revenues of the additional three percent state sales tax and to reimburse the State's political subdivisions for the taxes not collected because of these exemptions.

The bill also provides that assessed value of property exempted from tax by these provisions is considered taxable for purposes of computing bonded indebtedness and the index of taxpaying ability.

The bill repeals the current authorization for counties to limit property tax valuation increases, and provides that on or after July 1, 2006, in a county in which is imposed the local option sales tax where the credits allowed exceed the property tax to which the credit applies, then the excess credit is deemed a distribution from the Local Option Sales Tax County/Municipal Revenue Fund.

**H.4366 “VOLUNTEER STRATEGIC ASSISTANCE AND FIRE  
EQUIPMENT ACT OF 2006” (V-SAFE) Rep. Cooper**

This bill requires the General Assembly to appropriate up to three million dollars a year to offer grants of not more than thirty thousand dollars to eligible volunteer and combination fire departments. The funds would be used, as provided in the bill, to protect local communities and regional areas from fire, hazardous materials, and terrorism, and to provide for the safety of the volunteer firefighters. The bill requires and provides for the South Carolina State Firefighters' Association to administer the grants in conjunction with a peer review panel.

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